

COURT OF APPEALS OF THE THIRTEENTH DISTRICT OF TEXAS, CORPUS CHRISTI–EDINBURG

Daniel Granado v. The State of Texas

No. 13-25-00234-CR · No. 13-25-00234-CR · Decided January 29, 2026

SUMMARY

The Texas Thirteenth Court of Appeals reviewed Daniel Granado’s appeal from convictions for kidnapping and aggravated assault, enhanced under the repeat-offender statute. After conducting an independent review of the record under *Anders v. California*, the court found no arguable grounds for appeal, granted appointed counsel’s amended motion to withdraw, and affirmed the trial court’s judgment.

CASE DETAILS

COURT	Court of Appeals of the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice Peña; Justice West
JURISDICTION	Court of Appeals of the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	January 29, 2026
DOCKET	13-25-00234-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Granado appealed judgments following a bench trial in which he was adjudicated guilty of kidnapping and aggravated assault. His appointed appellate counsel filed an <i>Anders</i> brief and moved to withdraw.
STANDARD OF REVIEW	Upon receipt of an <i>Anders</i> brief, the appellate court conducts a full examination of the proceedings and record to determine whether the appeal is wholly frivolous and whether any arguably reversible error exists.
PRECEDENTIAL VALUE	unpublished and designated do not publish
PARTIES	Daniel Granado v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- standard of review
- sentencing

PRACTICE AREAS

criminal appellate procedure

Anders appeals

criminal procedure

sentencing

QUESTIONS PRESENTED

1. Whether independent review of the record under Anders disclosed any arguably reversible error.
2. Whether appointed appellate counsel should be permitted to withdraw after filing an Anders brief.
3. What notice and filing instructions were required after counsel's withdrawal.

HOLDINGS

1. The appeal was wholly frivolous because the court's full examination of the proceedings, record, and Anders brief revealed nothing that would arguably support reversal.
2. The court granted appointed appellate counsel's amended motion to withdraw.
3. Within five days after the opinion, counsel was required to send Granado the opinion and judgment and advise him of his right to file a petition for discretionary review; substitute counsel would not be appointed.

KEY QUOTATIONS

"In Texas, an Anders brief need not specifically advance 'arguable' points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities." (at 1)

FACTUAL BACKGROUND

Granado was charged with and adjudicated guilty after a bench trial of kidnapping, a third-degree felony, and aggravated assault, a second-degree felony. Because of his prior felony convictions, the trial court applied the repeat-offender enhancement and sentenced him to twenty-five years' imprisonment on each count, to run concurrently. On appeal, counsel concluded after reviewing the record that no arguable grounds for reversal existed.

PROCEDURAL HISTORY

The 117th District Court of Nueces County adjudicated Granado guilty of one count of kidnapping and one count of aggravated assault, applied a repeat-offender enhancement based on prior felony convictions, and imposed concurrent twenty-five-year prison sentences. Appointed appellate counsel filed an Anders brief asserting that no arguable grounds for appeal existed. The court of appeals independently reviewed the record, found no arguably reversible error, granted counsel's amended motion to withdraw, and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744 (1967)
- *In re Schulman*, 252 S.W.3d 403, 406 n.9, 408–09, 411 n.35 (Tex. Crim. App. 2008) (orig. proceeding)
- *Hawkins v. State*, 112 S.W.3d 340, 343–44 (Tex. App.—Corpus Christi–Edinburg 2003, no pet.)
- *Stafford v. State*, 813 S.W.2d 503, 510 n.3, 511 (Tex. Crim. App. 1991)
- *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978)
- *Kelly v. State*, 436 S.W.3d 313, 319–22 (Tex. Crim. App. 2014)
- *Penson v. Ohio*, 488 U.S. 75, 80 (1988)
- *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005)
- *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006)

OPINION

Daniel Granado v. the State of Texas

PER CURIAM.

NUMBER 13-25-00234-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

DANIEL GRANADO, Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 117TH DISTRICT COURT

OF NUECES COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Peña and West Memorandum Opinion by Justice West Appellant Daniel Granado was charged and adjudicated guilty (following a bench trial) of one count of kidnapping—a third-degree felony—and one count of aggravated assault—a second-degree felony. See TEX. PENAL CODE ANN. §§ 20.03(a), 22.02(a)(2). Given Granado’s prior felony convictions, the trial court applied the repeat offender enhancement. See *id.* § 12.42(d). Granado was sentenced to twenty-five years imprisonment on each count, running concurrently. Appellant’s court-appointed counsel has filed an Anders brief stating that there are no arguable grounds for appeal. See *Anders v. California*, 386 U.S. 738, 744 (1967). We affirm.

I. ANDERS BRIEF

Pursuant to *Anders v. California*, appellant’s court-appointed appellate counsel filed a brief and a motion to withdraw with this Court, stating that his review of the record yielded no grounds of reversible error upon which an appeal could be predicated. See *id.* Counsel’s brief meets the requirements of *Anders* as it presents a professional evaluation demonstrating why there are no arguable grounds to advance on appeal. See *In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex. Crim. App. 2008) (orig. proceeding) (“In Texas, an Anders brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.” (citing *Hawkins v. State*, 112 S.W.3d

340, 343–44 (Tex. App.—Corpus Christi–Edinburg 2003, no pet.)); *Stafford v. State*, 813 S.W.2d 503, 510 n.3 (Tex. Crim. App. 1991). In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978), and *Kelly v. State*, 436 S.W.3d 313, 319–22 (Tex. Crim. App. 2014), appellant’s counsel carefully discussed why, under controlling authority, there is no reversible error in the trial court’s judgment. Appellant’s counsel also informed this Court in writing that he: (1) notified appellant that counsel has filed an Anders brief and a motion to withdraw; (2) provided appellant with copies of both pleadings; (3) informed appellant of his right to file a pro se response, to review the record prior to filing that response, and to seek discretionary review if we conclude that the appeal is frivolous; and (4) provided 2 appellant with a copy of the appellate record. See *Anders*, 386 U.S. at 744; *Kelly*, 436 S.W.3d at 319–20; see also *In re Schulman*, 252 S.W.3d at 408–09. On October 15, 2025, appellant filed a pro se motion for access to the appellate record. On October 29, 2025, we ordered the trial court to provide appellant access to the appellate record and that appellant shall have thirty days to file a pro se response from the date the appellate record is made available to him. Delivery receipts filed with the Court demonstrate the clerk’s record was made available on November 4, 2025, and the reporter’s record was made available on November 17, 2025. Appellant’s pro se response was due December 17, 2025. Appellant has not filed a pro se response. 1

II. INDEPENDENT REVIEW

Upon receiving an Anders brief, we must conduct a full examination of all the proceedings to determine whether the case is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the record and counsel’s brief, and we have found nothing that would arguably support an appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005) (“Due to the nature of Anders briefs, by indicating in the opinion that it considered the issues raised in the briefs and reviewed the record for reversible error but found none, the court of appeals met the requirements of Texas Rule of Appellate Procedure 47.1.”); *Stafford*, 813 S.W.2d at 511.

III. MOTION TO WITHDRAW

In accordance with *Anders*, appellant’s counsel has asked this Court for permission to withdraw as counsel. See *Anders*, 386 U.S. at 744; see also *In re 1 Appellant* filed a second pro se motion for access to the appellate record and requested unspecified time to file a pro-se response on November 3, 2025. Appellant also filed a pro se motion for appointment of new counsel on November 4, 2025. 3 *Schulman*, 252 S.W.3d at 408 n.17. We grant counsel’s amended motion to withdraw. Within five days from the date of this Court’s opinion, counsel is ordered to send a copy of this opinion and this Court’s judgment to appellant and to advise him of his right to file a petition for discretionary review. 2 See TEX. R. APP. P. 48.4; see also *In re Schulman*, 252 S.W.3d at 411 n.35; *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006).

IV. CONCLUSION

We affirm the trial court’s judgment.

JON WEST

Justice Do not publish. TEX. R. APP. P. 47.2(b). Delivered and filed on the 29th day of January, 2026. 2 No substitute counsel will be appointed. Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing or timely motion for en banc reconsideration that was overruled by this Court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the Clerk of the Texas Court of Criminal Appeals. See id. R. 68.3. Any petition for discretionary review should comply with the requirements of Texas Rule of Appellate Procedure 68.4. See id. R. 68.4. 4